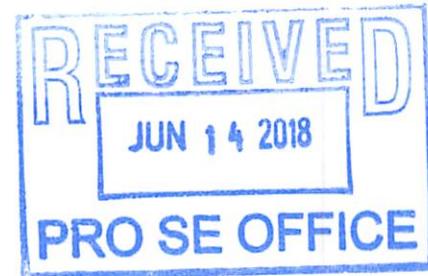


ORIGINAL

June 14, 2018

United States Magistrate Judge Bloom  
United States District Court  
Eastern District of Ne York  
225 Cadman Plaza East  
Brooklyn, NY 11201



Re; Capogrosso v. Gelbstein et al, No. CV18-2710 (E.D.N.Y.)

Magistrate Bloom:

I seek by request and motion to this Court an extension of time to reply (by way of Answer, Motion, or otherwise) to defendants' Tahir and Smart's counterclaims as set forth in their pro se Answer to my Complaint, No. CV18-2710.

This is my first request seeking an extension of time to reply to such counterclaims.

I point out, the aforementioned pro se Answers show no affidavit of service providing evidence of mailing, no proof of notarization, and no telephone number by which I am may properly reach out to pro se defendants Tahir and Smart seeking their concurrence to my request. Their pro se answers and counterclaims are however dated May 29, 2018.

Because no forwarding telephone number is provided on either pro se Answer, I cannot represent to this Court whether defendants object or consent to this request.

All this provided, I request that the time to answer, move or otherwise respond to defendants' counterclaims be extended to July 16, 2018. This extension is requested in order to properly interview parties, gather relevant evidence, and investigate what possible facts might form the basis for such counterclaim allegations.

Further, this extension does not affect any other scheduled dates.

Yours respectfully,

Mario H. Capogrosso  
21 Sheldrake Place  
New Rochelle, NY 10804  
914-806-3692  
NY Reg. No. 4244331  
Ct Juris 424192

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MARIO H. CAPOGROSSO, ESQ.

Plaintiff

-against-

CV18-2710

ALAN GELBSTEIN, et. al

**AFFIRMATION OF SERVICE**

Defendants

---

I, Mario H. Capogrosso, declare under penalty of perjury that I have served a copy of the attached Letter Requesting Time to Answer Counterclaims.

upon:

Mark Siegmund  
Assistant Attorney General  
28 Liberty Street  
New York, NY 10005  
(upon affirmation of his representation of defendants  
Gelbstein, Traschen, Vahdat, Palmieri, Flanagan, Calvo,  
and Prickett-Morgan)

Sadiq Tahir  
2994 Coney Island Avenue  
Brooklyn, NY 11235

Pec Group of NY  
935 S. Lake Blvd. #7  
Mahopac, NY 10541

David Smart  
2355 Batchelder Street, Apt 3E  
Brooklyn, NY 11229

via U.S. Postal Service First Class Mail, this 14<sup>th</sup> day of June, 2018.

Westchester, NY  
June 14, 2018



Mario H. Capogrosso  
21 Sheldrake Place  
New Rochelle, NY 10804  
(914) 806-3692

## AFFIDAVIT OF SERVICE

### UNITED STATES DISTRICT COURT Eastern District of New York

Index Number: CV 18-2710

Date Filed: 5/8/2018

Plaintiff:

**Mario H. Capogrosso**

vs.

Defendant:

**Alan Gelstein, et al.**

**State of New York, County of Albany)ss.:**

Received by Undisputed Legal Inc. to be served on **Ida Taschen, 1600 Spring Avenue Ext., Wynantskill, NY 12198.**

I, James Boland, being duly sworn, depose and say that on the **6th day of June, 2018 at 6:57 pm**, I:

**INDIVIDUALLY/PERSONALLY** served by delivering a true copy of the **Summons in a Civil Action and Verified Complaint**, to: **Ida Taschen** at the address of: **1600 Spring Avenue Ext., Wynantskill, NY 12198**, said person having been informed of the contents therein, in compliance with state statutes.

**Military Status:** Deponent further states upon information and belief that said person so served is not in the military service of the State of New York or of the United States as the term is defined in either the state or federal statutes.

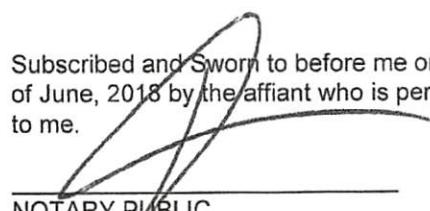
**Description of Person Served:** Age: 55, Sex: F, Race/Skin Color: White, Height: 5'6", Weight: 170, Hair: Gray, Glasses: Y

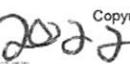
I am over the age of 18 and have no interest in the above action.



  
James Boland  
Process Server

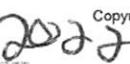
Subscribed and Sworn to before me on the 11th day of June, 2018 by the affiant who is personally known to me.

  
NOTARY PUBLIC

Patricia A. Burke  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01BU4922372  
Qualified In Albany County,   
My Commission Expires February 28, 2022  
Undisputed Legal Inc.  
590 Madison Avenue  
21st Floor  
New York, NY 10022  
(212) 203-8001  
Our Job Serial Number: 2018001311

PATRICIA A. BURKE  
NOTARY PUBLIC-STATE OF NEW YORK

No. 01BU4922372

Qualified In Albany County,   
My Commission Expires February 28, 2022

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**AFFIDAVIT OF SERVICE**

UNITED STATES DISTRICT COURT  
Eastern District of New York

Index Number: CV 18-2710

Date Filed: 5/8/2018

Plaintiff:

**Mario H. Capogrosso**

vs.

Defendant:

**Alan Gelstein, et al.**

**State of New York, County of Albany)ss.:**

Received by Undisputed Legal Inc. to be served on **Jean M. Flanagan, 4 Prospect Hills Rd., Rensselaer, NY 12144.**

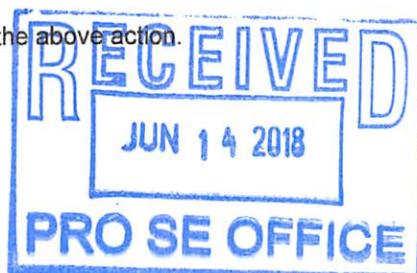
I, James Boland, being duly sworn, depose and say that on the **6th day of June, 2018 at 6:35 pm**, I:

served a **SUITABLE AGE PERSON** by delivering and leaving a true copy of the **Summons in a Civil Action and Verified Complaint** with **Ashley Flanagan**, who is **Co-Tenant** at **4 Prospect Hills Rd., Rensselaer, NY 12144**. Deponent completed service by mailing a true copy of the within stated legal documents in a postpaid envelope addressed to: **Jean M. Flanagan, 4 Prospect Hills Rd., Rensselaer, NY 12144** and bearing the words "Personal & Confidential", with no indication on the outside of the envelope, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant, by First Class Mail on **6/7/2018** and placed in an official depository of the U.S.P.S. in the State of New York.

**Military Status:** Deponent further states upon information and belief that said person so served is not in the military service of the State of New York or of the United States as the term is defined in either the state or federal statutes.

**Description of Person Served:** Age: 19, Sex: F, Race/Skin Color: White, Height: 5'6", Weight: 150, Hair: Brown, Glasses: N

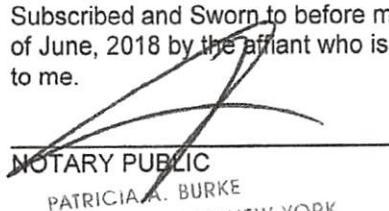
I am over the age of 18 and have no interest in the above action.



  
James Boland  
Process Server

Undisputed Legal Inc.  
590 Madison Avenue  
21st Floor  
New York, NY 10022  
(212) 203-8001  
Our Job Serial Number: 2018001312

Subscribed and Sworn to before me on the 11th day of June, 2018 by the affiant who is personally known to me.

  
NOTARY PUBLIC

PATRICIA A. BURKE

NOTARY PUBLIC-STATE OF NEW YORK

No. 01BU4922372

Qualified in Albany County

My Commission Expires February 28, 2020

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**AFFIDAVIT OF NON-SERVICE**

UNITED STATES DISTRICT COURT  
Eastern District of New York

Index Number: CV 18-2710

Date Filed: 5/8/2018

Plaintiff:

**Mario H. Capogrosso**

vs.

Defendant:

**Alan Gelbstein, et al.**

**State of New York, County of Albany)ss.:**

Received by Undisputed Legal Inc. to be served on **Vincent Palmieri, 60 Hathorn Blvd., Saratoga Springs, NY 12866.**

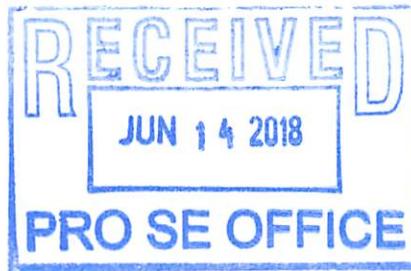
I, James Boland, being duly sworn, depose and say that on the **5th day of June, 2018 at 7:47 pm**, I:

**NON-SERVED the Summons in a Civil Action and Verified Complaint** because the Defendant/Respondent/Witness is unknown at the address furnished by the attorney.

**Additional Information pertaining to this Service:**

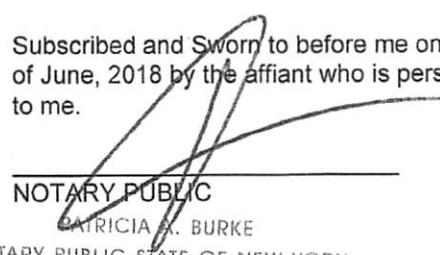
Current resident has owned property for 10 years, defendant is unknown to him

I am over the age of 18 and have no interest in the above action.



  
James Boland  
Process Server

Subscribed and Sworn to before me on the 11th day of June, 2018 by the affiant who is personally known to me.

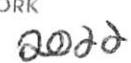
  
NOTARY PUBLIC

PATRICIA A. BURKE

NOTARY PUBLIC-STATE OF NEW YORK

No. 01804922372

Qualified in Albany County

My Commission Expires February 28, 

Undisputed Legal Inc.  
590 Madison Avenue  
21st Floor  
New York, NY 10022  
(212) 203-8001  
Our Job Serial Number: 2018001295